

LOS ANGELES POLICE DEPARTMENT

Labor Relations Unit





The Chief of Police is responsible for suppressing riots, disturbances, and breaches of the peace. As a representative of the Chief of Police, each Area Commanding Officer is directly responsible for maintaining law and order at the scene of any strike or labor dispute or labor activity occurring within his/her Area.



The Department's objectives in the labor-management field will best be served when all personnel are properly informed regarding the police role during labor disputes



Our presence at strike scenes is intended to alleviate, rather than aggravate existing tensions between the involved parties.



*1955 – 56 Unions
10 Global Federations*



*11 Million workers
World Wide
230 Affiliated union
federations in 152
countries*



FEDERAL / STATE CONSTITUTIONAL PROTECTIONS FOR SPEECH

- Federal: Public Forums (Street, Sidewalks and Parks. (Can restrict with Time Place and Manner = SEP)
- Private Sidewalks: If near street and public is allowed access, can use for First Amendment Activity.
- Designated Forums: (Airports, Piers and Ports) Leafleting is allowed, but picketline are not allowed.
- State: (California Liberty Clause) Common area, shopping center, sidewalks, parking areas, outside major venues, stadiums and prisons.

CALIFORNIA SUPREME COURT

RALPHS DECISION

- Ralphs Supreme Court held that under the Moscone Act, places where union members can lawfully stand include private property with public access.
- This speech is permitted so long as not blocking entrance nor violence occurs.
- Labor Dispute Involved
- Regardless of viewpoint (Pro Union / Against Union)
- Union is allowed to stand adjacent to the target locations (Entrance)
- Cannot have individuals who are peacefully speaking, picketing and leafleting to move to another location. Unless the Individuals are engaged in violence or blocking entrance.
- Can inform store owners they can still pursue civil remedies.
- Cannot arrest for trespassing

LABOR CASE DECISIONS

- Pruneyard Shopping Center: Allows an authorized union representative to enter private property with public access to perform lawful union activity.
- Catalano: Allows an authorized union representative to enter a construction site to inspect the safety and working conditions of one of their workers.
- Lechmere: Allows an authorized union representative to enter private property with public access for the purpose of organizing.
- New York / New York: Allows leafleting on private property by 3rd party for the purpose of organizing.

Labor Dispute Guidelines

- Arriving on-scene of labor dispute.
- Responsibilities of first responder.
- Strike/Picket activity.
- Public inconvenience/safety.
- Picket line responsibility.
- No two strikes are alike.
- Opening picket line.



Labor Dispute Guidelines

- **Lockout**: *A refusal on the part of management to allow it's employees to work as a result of a labor dispute.*
- **SCAB**: *An expression used to describe a person who crosses a union picket line to work at the job of a person on strike.*



Public Safety Guidelines

- What are considered public safety concerns?
 - Busy street, Picketers causing lengthy delays to vehicles, traffic to backed-up, lighting, weather, road conditions, armed guards, people drinking alcohol etc.
 - Picketers standing in front of vehicle.
 - Evaluate each situation independently.



DELEGATION

- Delegation: is when a Union Official(s); Community Leader(s) AND Worker(s) present a sign Petition to Management (Demands). The Petition is not legally binding if taken by management.



AMBULATORY PICKET

- **Ambulatory Picket**: *The extension of a picket activity from the primary dispute location to a secondary location for the purpose of calling attention to the dispute.*



BANNER

- Considered Protected form of Speech
- Law Enforcement cannot prohibit the size of a Banners
- Allowed on Public Sidewalk
- Usually 2-3 Union Members will hold the Banner.
- No California Statute that restricts Banners.



PICKET SIGNS

- Considered a form of free speech.
- Picket signs should not be construed as offensive weapons, i.e., baseball bats, 2x4's, pipes, etc.



INFORMATIONAL PICKET

- Critical Mass walking with picket signs
- Considered Free Speech
- Allowed to walk across driveways
- A picket line instituted primarily for the publicity or to seek support.
- Reasonably delay traffic



INFLATABLE RAT

- Considered Protected form of Speech.
- Inflatable figures, rats, characters etc. Cannot be tied to or anchored down to any City property.
- Cannot obstruct traffic
- Allowed on Public Sidewalk
- Considered Union Protected Speech
- Usually anchored by Sandbags.



LEAFLETING

- Considered Protected form of Speech.
- Usually 2-3 Union Members will Leaflet.
- Leafleting is allowed on Private Property and Private Property Public Access.
- Cannot force people to take Leaflet.
- Allowed based upon the Ralphs Decision.
- Allowed based upon the New York New York Decision.



LOUD/BAD LANGUAGE

- Speakers may use words like “scab”; “rat” so long as a “Fighting Words / Incite Words” are not being used.
- Cannot use words that will Immediately breach the peace.



DISTRUBING THE PEACE

- Statutes or ordinances cannot silence speech, unless the speech is solely intended to disrupt rather than communicate grievances.
- Level of speech is based upon ambient noise in area.
- SEC. 115.02 LAMC (0700-2200 Hours)
- SEC. 116.01. LAMC (Loud Noise)



BULLHORNS

- May be regulated by sound ordinances (Rarely Used)
- Used to direct people
- Used to get the message out
- Overcome ambient noise levels (Construction, trucks, buses, motorcycles, etc)
- SEC. 115.02 LAMC (0700-2200 Hours)
- SEC. 115.02 LAMC (Loud Noise)



MUSIC & NOISEMAKERS

- Music is considered a form of free speech.
- Noisemakers is not a form of free speech.
- Tools of the Trade is considered a form of free speech (Pots and Pans)



Trespassing Exemptions

- P.C. Section 602 (O) Exempts any person who is engaged in “Lawful Union Activity” from Trespassing. (NLRA RIGHTS)
- P.C. Section 552. 1 Exempts a union official from trespassing as long as they are in an “Organizing” effort on behalf of a labor union. It also allows a union official to enter a property for the purpose to investigate the safety and working conditions of one of there members.

PRIVATE PROPERTY WITH PUBLIC ACCESS



The End

**ANY QUESTIONS, PLEASE CALL
EMERGENCY OPERATIONS DIVISION**

LABOR RELATIONS UNIT

(213) 486-0630

OFF HOURS:

RACR DIVISION (213) 484-6700